

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:09CV188-FDW

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                               )  
v.                             )  
                               )  
APPROXIMATELY \$13,886.00 IN )  
UNITED STATES CURRENCY,     )  
                               )  
Defendant.                 )

**DEFAULT JUDGMENT OF  
FORFEITURE**

THIS MATTER is before the Court on the government's motion to strike the sole claim filed herein and, under Fed. R. Civ. P. 55(b)(2), for a default judgment of forfeiture against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on May 8, 2009. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the Marshals Service duly took custody of the defendant property. Service of process was made by internet publication of notice, as shown by the declaration filed herein on September 21, 2009.
3. No person has filed an answer within the time allowed by law, and the Court has accordingly entered default. Because Marvin Marco Graham, the sole claimant, has not filed an answer as required by Rule G(5)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, his claim has been stricken.

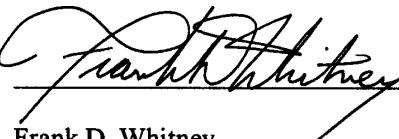
4. Based on the verified complaint, the government has shown probable cause to believe that the defendant property is proceeds of and/or was used or intended to be used to facilitate drug trafficking crimes, and that it is therefore subject to forfeiture under 21 U.S.C. § 881.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein: approximately \$13,886.00 in United States currency.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: May 28, 2010

  
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Frank D. Whitney  
United States District Judge  
